REMARKS

Rejections Under 35 U.S.C. § 101

Claims 1, 3-9. 10 and 12-15 stand rejected under 35 U.S.C. § 101 as being directed toward non-statutory subject matter. This rejection is respectfully traversed. Claims 1 and 10 (from which all other claims rejected on this statutory basis depend) have been amended to make clear that they are performed on particular machines – a management center device and distributed subscriber database devices. No new matter has been added by these amendments. Support for these amendments can be found in the specification at page 1, lines 5-9 (discussing a system comprising a management center, thereby implying that the management center is a device as it forms part of a system); page 8, lines 26-29 (discussing communicating with the management center via a modem, thereby signifying that the management center is a device); page 1, line 25 – page 2, line 2 (describing a subscriber database as including a security module in the form of a microchip card, which is a device). Entry of the amendments is respectfully requests. Applicants respectfully submit that these amendments make clear that the steps of the rejected claims are performed on a particular machine (*see* Interim Examination Instructions for Evaluating Subject Matter Eligibility under 35 U.S.C. § 101 dated August 24, 2009 at p. 6 stating that even a general purpose computer that is programmed to perform the steps of the claim is a particular machine). Withdrawal of the rejection is respectfully requested.

Rejections Under 35 U.S.C. § 103

Claims 1, 3-10, 12-16 and 18 stand rejected under 35 U.S.C. § 103 as being obvious over the combination of Deiss, Khan and Wong. This rejection is respectfully traversed for the reasons set forth below.

Deiss, Khan and Wong Don't Disclose the Later Processing of a Message

Applicants have amended claim 1 to include the following steps to clarify that processing of the message does not occur immediately by reciting the following steps:

> if the condition has not fulfilled, locally storing said message by the subscriber database device;
> after the message has been locally stored, reading the memory of the subscriber database device and determining that the condition associated with the locally stored message has been fulfilled; and
> processing the locally stored message after determining that the condition associated with the locally stored message has been fulfilled;

These steps are neither taught nor suggested by the combination of Deiss, Khan and Wong.

In the previous office action, the claims were rejected as obvious over only the combination of Deiss and Khan. After an interview with the examiner and his supervisor, agreement was reached that the combination of Deiss and Khan did not disclose the concept of locally storing a message if a condition associated with the message has not been fulfilled when the message is received, and later processing the message when the condition is fulfilled. It was recognized that Deiss discloses the opposite at col. 5, lines 22-23: "If a match [of the conditional access code in the message and the conditional access code assigned to the receiver] is not detected, *the payload is not accepted by the specific receiver*." This passage is similar to the passage discussed at col. 7, lines 31-55, which refer to Fig. 5. This passage discloses that multiple different conditions in the header are checked (i.e., whether various groups of 4 bytes match filter a subscriber specific conditional access code or contain all zeroes). If none of these different conditions are fulfilled, Deiss discloses at col. 7, lines 49-51 "a write enable is not generated and the process waits {300} for the next packet." Not generating the write enable means that the message is not stored in a memory for later processing. Col. 8, lines 11-10. Thus,

Deiss does not disclose or suggest storing a message in a memory after a first check indicates that the condition has not been fulfilled until such time as the condition is fulfilled – he describes the opposite, namely, rejecting the payload if the condition is not satisfied on the first check of the condition.

In the current office, the examiner relies on Wong for this teaching. However, Wong also does not disclose or suggest locally storing a message for processing at a later time when the condition is fulfilled. Wong is directed toward a database system that generates reports as requested by clients. In Wong's system, multiple different clients may generate the same report (Wong at col. 1, lines 28-30). In order to conserve processing resources, Wong's database server determines whether an incoming report request is seeking a report which has already recently been generated for another client. If so, the existing report is used; if not, a new report is prepared. Wong at col. 1, line 66 – col. 2, line 10. Either way, the incoming report request is processed immediately by either generating a new report or retrieving an existing report and transmitting the retrieved/generated report to the client – there is no local storage of the message and waiting until a time when a condition is true.

Applicants note the citation in the office action to col. 7, lines 45-65 of Wong. This is a claim that recites "if a new report [specified by a new report request] satisfies a set of conditions which includes that the new report was requested by a previous report request within a specified time prior to receiving the new report request." This 'condition' corresponds to the "time tolerance" field in the report request message illustrated in Fig. 4. As discussed above, however, this condition does not determine whether or not the message will be processed now or later. Rather, it simply determines whether the message can be processed using an existing report or processed by generating a new report. In either event, there is no waiting until some later time

for processing the message – the processing begins immediately using one of two alternatives. Accordingly, withdrawal of the rejection of claim 1 is respectfully requested.

The Proposed Combination of Deiss, Khan and Wong Does Not Make Sense

Applicants further note that the office action has failed to explain how and why Deiss, Khan and Wong would be combined. More importantly, the combination doesn't make any sense. For example, the base reference, Deiss, concerns a conditional access system for the transmission of audio and video packets in a broadcast satellite pay television system. Deiss at 1:26-54. It is well know in the art that these types of satellite systems don't have a communications channel by which a satellite receiver can request information from the head end – these systems are receivers only, not transmitters (applicants note that certain system such as the DISH Network provide a limited ability for a receiver to connect via a telephone line once per month to report usage information, but this has nothing to do with real time requests for information). Thus, adding functionality from Wong for making requests doesn't make sense.

Furthermore, even if there were a mechanism available for Deiss' receivers to make requests for information from a head end, there is no provision in Deiss' system for the creation of video upon a request from a user. Thus, adding functionality from Wong's system to determine whether a report has been requested and otherwise creating the report makes no sense in the context of a pay television system because such a system can't create video if the requested video does not exist. If a request for video came from an end user, the head end would either provide the video if it existed or refuse the request. The head end (which is analogous to the server in Wong) would not be able to generate new video in response to the request as is done with the generation of new reports in Wong's system. Thus, the proposed combination would not make any sense to one of ordinary skill in the art and would therefore not be obvious

to one of ordinary skill in the art, and there is no *prima facie* case of obviousness. Accordingly, withdrawal of the rejection of claim 1 is respectfully requested.
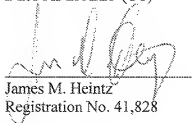
The other currently pending claims include similar limitations requiring the local storage of the message and later processing of the message after a condition associated with the message has been fulfilled. Accordingly, withdrawal of the rejection is respectfully requested.

Conclusion

In light of the above, Applicants submit that this application is now in condition for allowance and therefore request favorable consideration. If any issues remain which the Examiner feels may be best resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact Applicants counsel, James M. Heintz at 202.799.4171.

Respectfully submitted,

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